



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/754,676	05/29/2007	Alex Tserkovny	20060365	7807
25537	7590	02/08/2016	EXAMINER	
VERIZON PATENT MANAGEMENT GROUP 1320 North Court House Road 9th Floor ARLINGTON, VA 22201-2909			MANDEL, MONICA A	
			ART UNIT	PAPER NUMBER
			3621	
			NOTIFICATION DATE	DELIVERY MODE
			02/08/2016	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Art Unit: 3621

DETAILED ACTION

Acknowledgements

1. This Office Action follows the Patent Board Decision filed on September 16, 2015 and Applicant's response filed on May 4, 2011 ("May 2011 Response"). The May 2011 Response contained, inter alia, claim amendments ("May 2011 Claim Amendments") and "REMARKS" ("May 2011 Remarks").
2. Claims 1-3, 5-10, 12-19, and 22 are currently pending.
3. Claims 1-3, 5-10, 12-19, and 22 have been examined.
4. This Office action is given Paper No.20151202. Paper No. is for reference purposes only.
5. The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1-3, 5-10, 12-19, and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.** Claims 1-3, 5-10, 12-19, and 22 are directed to the abstract idea of comparing new and stored information and using rules to identify options which is a type of "idea 'of itself'" similar to those found by courts to be abstract (e.g. *Smartgene*¹).

¹ *SmartGene, Inc. v Advanced Biological Labs.*, 555 Fed. Appx. 950 (Fed. Cir. 2014).

Art Unit: 3621

7. **Claim 1** recites, *inter alia*:

- a. “receive a request from a first subscriber of network services,”
- b. “the request being intended for a second subscriber of network services,” and
- c. “forward control information associated with the request”
- d. “receive the control information associated with the request,”
- e. “identify requirements associated with communications between the first and second subscribers,”
- f. “forward the requirements,”
- g. “receive the requirements,”
- h. “process the request in accordance with the identified requirements,”
- i. “forward message data associated with the processed request,”
- j. “receive the message data,”
- k. “forward the processed message data...to the second subscriber.”

8. Although Claims 1-3, 5-9, and 22 do not explicitly recite “comparing new and stored information and using rules to identify options,” the concept of “comparing new and stored information and using rules to identify options,” is described by the “identify requirements associated with communications between the first and second subscribers” and “process the request in accordance with the identified requirements” limitations.

9. The claim limitations do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements of a management device, first proxy device, second proxy device, backend component, and billing component are

Art Unit: 3621

generic recitation of computers or computer components, recited at a high level of generality, in a computer network, to perform the generic computer functions of transmitting and processing data. Furthermore, said management device, first proxy device, second proxy device, backend component, and billing component merely are “to” apply the abstract idea. Yet further, the additional limitations of receiving transaction information and generating billing information represent insignificant data-gathering steps and insignificant extra solution activity, respectively. Taking the elements both individually and as a combination, the computers or computer components in the claims perform purely generic computer functions. Thus, Claims 1-3, 5-9, and 22 as a whole do not amount to significantly more than the abstract idea itself.

10. **Claim 10** recites, *inter alia*:

- l. “receiving... a communication from a first entity intended for a second entity;”
- m. “forwarding control information associated with the communication”
- n. “identifying...parameters associated with communications to be transmitted between the first and second entities,”
- o. “wherein the parameters include access requirements associated with the second entity, and forwarding the parameters...;”
- p. “processing...the communication in accordance with the parameters,”
- q. “forwarding...the processed communication;” and
- r. “forwarding...the processed communication to the second entity.”

11. Although Claims 10, and 12-19 do not explicitly recite “comparing new and stored information and using rules to identify options,” the concept of “comparing new and stored

Art Unit: 3621

information and using rules to identify options,” is described by the “identifying...parameters associated with communications to be transmitted between the first and second entities,” “wherein the parameters include access requirements associated with the second entity, and forwarding the parameters...;” and “processing...the communication in accordance with the parameters,” steps.

12. The claim limitations do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements of a management device, first proxy device, and second proxy device, are generic recitation of computers or computer components, recited at a high level of generality, in a computer network, to perform the generic computer functions of transmitting and processing data. Furthermore, the additional limitations of receiving transaction information as recited in Claim 16 represents insignificant data-gathering. The step of “using the received transaction information for at least one of billing, auditing, monitoring or statistical analysis” as recited in Claim 16 represents insignificant extra solution activity. The additional limitation of generating billing information as recited in Claim 17 represents insignificant extra solution activity. Taking the elements both individually and as a combination, the computers or computer components in the claims perform purely generic computer functions. Thus, Claims 10, and 12-19 as a whole do not amount to significantly more than the abstract idea itself.

13. Note that the phrase “an idea ‘of itself’” describes an idea standing alone such as an un-instantiated concept, plan or scheme, as well as a mental process (thinking) that “can be performed in the human mind, or by a human using a pen and paper.” Some examples of an

Art Unit: 3621

“idea ‘of itself’” include, but are not limited to, the following: comparing information regarding a sample or test subject to a control or target data; collecting and comparing known information; comparing data to determine a risk level; diagnosing an abnormal condition by performing clinical tests and thinking about the results; obtaining and comparing intangible data; comparing new and stored information and using rules to identify options; using categories to organize, store and transmit information; data recognition and storage; organizing information through mathematical correlations; and displaying an advertisement in exchange for access to copyrighted media.

Response to Arguments

14. Applicant’s arguments filed previously with respect to the pending claims have been fully considered but are moot because the arguments do not apply to the current rejections.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to MONICA MANDEL whose telephone number is (571)270-7046. The Examiner can normally be reached on Monday-Thursday 7:30A-6:00P EST.

16. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner’s supervisor, Rutao Wu can be reached at (571) 272-3136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 3621

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./

Examiner, Art Unit 3621

January 28, 2015

/RUTAO WU/

Supervisory Patent Examiner, Art Unit 3621

/GREG VIDOVICH/

Director, Technology Center 3600